

September 27, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASIN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISIONBY: CC  
DEPUTY

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 1:21-cv-796 RP

STATE OF TEXAS

DEFENDANT

MOTION TO EXPEDITE OSCAR STILLEY'S MOTION FOR INTERVENTION, AND FOR  
EXTENSION OF TIME TO ANSWER COMPLAINT

Comes now Oscar Stilley, (Stilley) a proposed intervenor, and for his motion to expedite his motion to intervene, and to extend time to answer complaint, and states:

1. Stilley filed his motion to intervene on Friday, September 24, 2021.
2. Immediately after submission of this motion, Stilley had to go to Little Rock, Arkansas, to his halfway house, to urinate in a cup and blow in a Breathalyzer (alcohol tester). Stilley is in the custody of the Department of Justice-Federal Bureau of Prisons (DOJ-FBOP). Trips to halfway house are required as part of Stilley's conditions of home confinement. After finishing his pleading and tendering it for filing, Stilley had barely enough time to make the trip.
3. Therefore Stilley didn't have time to move to expedite his motion on Friday.
4. Stilley has reviewed the Intervenor's ( Mr. Graham, Mr. Tuley, Ms. Sharp) Answer to Complaint. (Dkt. 28-2)
5. Stilley hasn't yet been able to discern a reasonable legal and factual basis whereby he might make such an answer consistent with the ethical obligations of attorneys. Although Stilley has been disbarred, he thinks legal ethics are a good idea and should be respected even by parties who might not technically be subject to professional discipline.

6. Stilley has downloaded, printed, and bound the local rules for this District Court, which he finds very helpful for understanding the customs and practices of this court.

7. Stilley has downloaded the docket items, excluding formalities such as summons, entries of appearance, etc. Stilley has printed, bound, and partially tabbed the docket and docket items, so as to prepare for any hearings, prepare pleadings, etc.

8. Intervenors Graham, Sharp, and Tuley moved this Court to expedite briefing and decision of their motion to intervene. Dkt. 30.

9. This Court issued an order granting said motion in part, ordering plaintiff United States to respond by noon on Tuesday, September 28, 2021, whereupon the Court would promptly rule. Dkt. 32

10. Stilley therefore respectfully requests that his motion to intervene be expedited so as to be placed on the same timeline, with a response of the United States due at noon on September 28, 2021.

11. Stilley has reviewed the docket, which indicates that defendant State of Texas has until October 4, 2021, to file its answer to complaint. Dkt. 5.

12. Stilley recognizes the general practice of tendering a responsive pleading with a motion to intervene. However, in light of length of the complaint, and the confusion arising from other intervenors denying the seemingly undeniable, Stilley submits that he should be allowed some additional time to gain an understanding of the positions of parties at least theoretically aligned with his position.

13. Stilley to his knowledge is the only proposed intervenor seeking to enforce the core provisions of the Texas Heartbeat Act, by suing a doctor for performing a prohibited abortion.

14. Stilley attempted to provide the Court with a link to his state court complaint.

Presumably this Court could take judicial notice of a public record in a state court. However, apparently the clerk's office software "flattens" those links out of the document. The URL is:

[https://bustingthefeds.com/wp-content/uploads/2021/09/1\\_ComplaintVBraid.pdf](https://bustingthefeds.com/wp-content/uploads/2021/09/1_ComplaintVBraid.pdf)

15. In addition to expedited consideration of his motion to intervene, Stilley respectfully requests that his answer to complaint be due October 8, 2021, so as to allow him to compare both answers, make reasonably inquiry, and draft a fair and honest intervenor's answer to complaint.

16. If the Court finds that the motion for extension of time to answer is not well taken, Stilley is willing to answer by the October 4, 2021 deadline for the State of Texas. If the Court finds that Stilley should answer earlier than October 4, he will comply with whatever deadline the Court sets in its ruling on this motion.

17. Stilley plans to prepare his brief so as to be able to file his brief prior to the dawn of the High Sabbath of "Last Great Day" at sunset Tuesday, September 28, 2021, should the Court grant Stilley's requested intervention.

WHEREFORE, premises considered, Stilley respectfully requests that this Court order that Oscar Stilley be granted expedited consideration of his motion for intervention, on the same schedule as the other intervenors in this case; that this Court extend the time for Stilley to answer the Plaintiff's complaint, up through and including 10-08-2021; and for such other and further relief as may be appropriate whether or not specifically requested.

Respectfully submitted.

By: /s/ Oscar Stilley  
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#### CERTIFICATE OF CONFERENCE

Stilley on September 26, 2021 sent an email to Ms. Lisa Newman concerning the requested relief. Ms. Newman stated that the United States does not object to the requested scheduling of response to the motion to intervene, but **does** object to the requested extension of time to answer the complaint.

Stilley inquired of the State of Texas on September 27, 2021 by telephone call to Beth Klusmann. Ms. Klusman stated by email that the State of Texas does not take a position one way or another, with respect to either of the requested reliefs.

#### CERTIFICATE OF SERVICE

Oscar Stilley by his signature above certifies that he has caused this pleading to be served on all parties entitled to service, via CM/ECF, upon filing by the clerk.